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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,216	09/15/2003	George Paskalov	100798.0007US1	2368
34284	7590	02/02/2006	EXAMINER	
ROBERT D. FISH RUTAN & TUCKER LLP 611 ANTON BLVD 14TH FLOOR COSTA MESA, CA 92626-1931			MAYEKAR, KISHOR	
			ART UNIT	PAPER NUMBER
			1753	

DATE MAILED: 02/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/663,216	<b>Applicant(s)</b> PASKALOV ET AL.	
	<b>Examiner</b> Kishor Mayekar	<b>Art Unit</b> 1753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
     4a) Of the above claim(s) 16-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/03</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-15, drawn to a dispenser, classified in class 422, subclass 186.29.
  - II. Claims 16-20, drawn to a method of dispensing a potable liquid, classified in class 204, subclass 164.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions of Groups II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used to practice a process such as for treating non-potable liquid.
3. Because these inventions are distinct for the reasons given above and the

search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Attorney Robert Fish on January 27, 2006 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-15. Affirmation of this election must be made by applicant in replying to this Office action. Claims 16-20 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

*Claim Objections*

6. Claims 1 and 11 are objected to because of the following informalities: the typo error in the phrases "an conduit" and "the n-line source". Should it be --a conduit-- and --the on-line source--, respectively? Appropriate correction is required.

*Claim Rejections - 35 USC § 112*

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, the phrase "conduit" is confusing whether it is the same conduit recited in claim or another?

*Claim Rejections - 35 USC § 103*

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-6, 10 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kown (US 6,453,799 B1) in view of Laroussi (US 5,876,663). Kown's invention is directed to a sanitary automatic vending machine comprising a functional water generator and a water supplier for supplying drinking water including a water tank and water supply duct wherein the water is tap water obtained directly from a faucet (see abstract, Fig. 4 and col. 6, lines 31-60). Kown also discloses in the abstract that the functional water generator is configured to generate ozone water or electrolyzed water in the drinking water stored in the water supplier to sterilize, disinfect, deodorize and wash the drinking water as well as containers and conduits installed in the machine. The difference between Kown and the above claims is the provision of a generator to treat water by RF plasma. Laroussi shows in an apparatus for treating water by RF plasma to kill or render inviable all microorganisms present in the water (col. 1, line 65 through col. 2, line 33). The subject matter as a whole would have been obvious to one having ordinary

skill in the art at the time the invention was made to have modified Kown's teachings as shown by Laroussi because the selection of any of known equivalent generators to treat water with antimicrobial effects would have been within the level of ordinary skill in the art.

As to the subject matter of each of claims 5 and 6, Kown discloses the use of ingredient containers 4. As to the intended use of the container for containing a soft drink syrup or a carbonator cannot be given any weight in a claimed apparatus.

11. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kown '799 as modified by Laroussi '663 as applied to claims 1-6, 10 and 12-15 above, and further in view of Leski (US 6,609,687 B1). Kown as applied above further discloses in col. 6, lines 24-30 that the machine, like conventional one, has a door hinged on a front of machine's housing and is provided with a coin slot and key input as user interface components. The difference between the references as applied above and the instant claims is the detailing of the user interface components by including the recited locked cabinet and display. Leski shows the above detailing of a vending machine (col. 2, lines 6-45). The subject matter as a whole would have been obvious to one having ordinary skill in the art at the time the invention was

made to have modified the references' teachings as shown by Leski because this would result in securing the cabinet and indicating the price and/or selection information for various vendible articles by the machine.

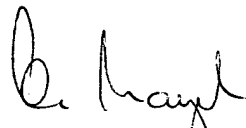
12. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kown '799 as modified by Laroussi '663 as applied to claims 1-6, 10 and 12-15 above, and further in view of Posner et al. (US 5,651,887). The difference between the references as applied above and the instant claims is the provision of the recited charcoal filter. Posner shows the provision of a charcoal filter for use in a beverage dispensing system (col. 3, lines 46-56 and col. 4, lines 4-16). The subject matter as a whole would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the references' teachings as shown by Posner because this would result in enhancing the taste of the tap water.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kishor Mayekar whose telephone number is (571) 272-1339. The examiner can normally be reached on Monday-Thursday.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kishor Mayekar  
Primary Examiner  
Art Unit 1753